

WHEREAS, on or about April 4, 2016, Plaintiff Horizon Comics Productions, Inc. (“Plaintiff”) filed a complaint (the “Complaint”) in the above-referenced action, which alleged claims for (1) direct copyright infringement; (2) contributory copyright infringement; and (3) vicarious copyright infringement against Defendants Marvel Entertainment, LLC, MVL Film Finance LLC (erroneously sued herein as “MVL Film Finance, LLC”), Marvel Worldwide, Inc., Marvel Studios, LLC, DMG Entertainment, LLC (“DMG”), Paramount Pictures Corp. (“Paramount”), and Walt Disney Studios Motion Pictures (erroneously sued herein as “Walt Disney Studios Motion Pictures, Inc.”) (“WDS”) (collectively, “Defendants”);

WHEREAS, on July 8, 2016, Defendants filed a motion to dismiss the Complaint (the “Motion to Dismiss”);

WHEREAS, on March 27, 2017, the Court issued an Opinion and Order denying the Motion to Dismiss in part and granting it in part (the “Order”);

WHEREAS, the Court’s Order dismissed certain claims except those pertaining to alleged infringement of Plaintiff’s image in a “promotional piece of art for the Radix comic” (the “Radix Poster”) in “Defendants’ poster promoting Iron Man 3” (the “IM3 Poster”), both of which are annexed as Exhibit B to the Complaint, and granted the Motion to Dismiss the remaining allegations of infringement, *see* Order at 6, 11-15;

WHEREAS, as a result of this Court’s Order the allegations against Paramount in the Complaint appear no longer to be sufficient for relief against Paramount;

WHEREAS, Paramount represents to Plaintiff that: (1) Paramount played no role in the creation, distribution, display, or sales of the IM3 Poster or of the “Subject Image” (as defined in Paragraph 25 of the Definitions and Instructions contained in Plaintiff’s First Request for the Productions of Documents of Defendants, dated September 1, 2017, which is copied below¹) displayed on same; (2) Paramount did not induce, cause, aid, or materially contribute to any

25. The term “**Subject Image**” refers to the following image, in any and all media, including any derivative, varied or edited copies thereof:



creation, distribution, and/or display of the IM3 Poster or of the Subject Image; and (3) Paramount had no right, authority, or ability to control or supervise any creation, distribution, display, or sales of the IM3 Poster of the Subject Image; and

WHEREAS, Plaintiff is relying on Paramount's representations herein as a material inducement to enter into this Stipulation; and

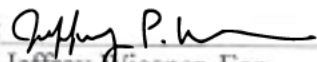
WHEREAS, Defendants answered the Complaint on June 30, 2017;

IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiff and Defendants, through their undersigned attorneys, that the claims are hereby dismissed, with prejudice, solely against Defendant Paramount, pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, without payments, attorneys' fees, costs, disbursements, or expenses to any party as against the other. It is understood and agreed among the parties that all rights to appeal this court's Order of dismissal with respect to Paramount are preserved upon final judgment in this matter.

Dated: Boston, MA
_____, 2018


Dated: New York, NY
May 31, 2018

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